



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
DOCKET NO. CBM-001.02

2151  
#8  
12-16-03

In re Application of: Ferguson, et al.

Application No: 09/840,945

Filed: April 24, 2001

For: Flow Scheduling for Network  
Application Apparatus

Art Unit: 2151

Examiner: NYA

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Commissioner for Patents  
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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56 and 1.97**

Dear Sir:

Submitted herewith on Form PTO-1449A is a listing of documents known to Applicants and/or their Attorney in compliance with the requirements of 37 C.F.R. § 1.56. Copies of the documents (References AB-AE) are also being submitted. Applicants respectfully request that the Examiner consider the listed documents and indicate they were considered by making appropriate notations on the attached Form PTO-1449A.

In compliance with the requirements of 37 C.F.R. §§ 1.56 and 1.97, Applicants have cited for the Examiner's consideration a co-pending U.S. patent application that is owned at least in part by the assignee of this application and that describe subject matter related to the present application. The co-pending application is listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U.S. patent application numbers on other than Form PTO-1449 or PTO/SB/08A format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the Examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

No copy of the co-pending application has been provided. If the Examiner wishes to have a copy of the co-pending application, the Examiner should contact the Attorney of record.

Our Docket #	Serial #	Date Filed	Title
CBM-001.01	09/790,434	February 21, 2001	Network Application Apparatus

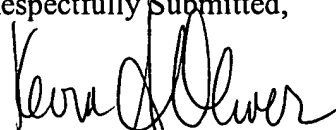
This submission does not represent that a search has been made or that no better art exists, nor does it constitute an admission that the cited documents are material or constitute "prior art." If the Examiner applies the listed documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the claimed subject matter over the listed documents, should one or more of the referenced documents be applied against the claims of the present application.

No fee is believed due. If a fee is occasioned or if extensions of time are necessary, please charge any fee deficiency or credit any overpayment to **Deposit Account No. 06-1448, Reference: CBM-001.02.**

Date: December 9, 2003

**Customer No: 25181**  
Patent Group  
Foley Hoag LLP  
Seaport World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02110  
Tel. (617) 832-1000  
Fax (617) 832-7000

Respectfully Submitted,



Kevin A. Oliver  
Reg. No. 42,049  
Attorney for Applicants



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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/840,945
				Filing Date	April 24, 2001
				First Named Inventor	Ferguson
				Art Unit	2151
				Examiner Name	NYA
Sheet	1	of	1	Attorney Docket Number	CBM-001.02

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	AB	EP 0 648 038	12-04-1995	IBM		
	AC	EP 0 690 376	03-01-1996	Mitsubishi		
NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
	AD	YOURAN, L., ET AL., A Dynamic Central Scheduler Load Balancing Mechanism, Computers and Communications, 1995, Conference Proceedings of the 1995 IEEE Fourteenth Annual International Phoenix Conference in Scottsdale, AZ, USA 28-31 March 1995, New York, NY, USA, IEEE, US 28 March 1995, pages 734-740, XP010149418 ISBN: 0-7803-2492-7.				
	AE	MOURAD, A., ET AL., Scalable Web Server Architectures, Computers and Communications, 1997 Proceedings., Second IEEE Symposium on Alexandria, Egypt 1-3 July 1997, Los Alamitos, CA, USA, IEEE Comput. Soc., US 1 July 1997, pages 12016, Xp010241313 ISBN: 0-8186-07852-6.				

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Information Disclosure Statement (2 pgs.); Form PTO/SB/08a (1449A) (1 pg.); PCT International Search Report (4 pgs.); References AB - AE; and a Return Receipt Postcard.

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